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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/840,145               | 05/06/2004  | Jack C. LaSee        | 110327.00003        | 7416             |
| 26710                    | 7590        | 06/27/2007           | EXAMINER            |                  |
| QUARLES & BRADY LLP      |             |                      | GILBERT, WILLIAM V  |                  |
| 411 E. WISCONSIN AVENUE  |             |                      | ART UNIT            | PAPER NUMBER     |
| SUITE 2040               |             |                      | 3635                |                  |
| MILWAUKEE, WI 53202-4497 |             |                      | MAIL DATE           | DELIVERY MODE    |
|                          |             |                      | 06/27/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/840,145             | LASEE, JACK C.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | William V. Gilbert     | 3635                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 06 May 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 16 August 2004.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This is a First Action on the Merits. Claims 1-20 are pending below.

***Claim Objections***

1. Claim 3 is objected to because of the following informalities: applicant claims "wherein second flange unit..." per line 2. Examiner suggests placing an article in front of the limitation to designate its status (e.g. --wherein the second flange unit--- or --wherein said second flange unit---. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 2 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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**Claim 2** recites the limitation "its inner end" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

**Claim 18** recites the limitation "the second frame" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 7-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Stark (U.S. Patent No. 4,259,818).

Claim 1: Stark discloses a window panel comprising first and second flange units (Fig. 5: 22a, 20a, respectively), sash elements (32a, 28a, respectively) that extend into the opening to capture a transparent pane (42a), at least one retention

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member (52a) attached to the first flange unit and extending into the opening to grip a sill surface (64a) to retain the first flange unit (22a) and the sash element in position for assembly, and at least one fastener (15a) adapted to draw the first and second flanges and the sash elements together against the pane.

Claim 7: the opening is rectangular (Fig. 1) having four sill surfaces and the vision panel has four retention members (see Fig. 4, generally), attached indirectly to the first flange unit and extending into the opening to grip all four sill surfaces.

Claim 8: the sash elements include sharp edge portions (proximate 38) in contact with the pane that would embed in the pane if it becomes semi-molten in a fire.

Claim 9: a surface of the retention member (62a) supports edges of the pane.

Claim 10: the flange units are straight segments joined at corners by a type of weld fastening (while the prior art notes this the four sides as a single unit, it is four segments joined at the corners).

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**Claims 1, 3-6 and 11-14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by LaSee (U.S. Patent No. 5,207,044).**

Claim 1: LaSee discloses a vision panel (Fig. 1: generally) having a first and second flange units (25) that abut a front and rear face of the door (10), sash elements (26) that extend into the opening and capture a transparent pane (19) within the opening, a retention member (31) attached to the first flange and extending into the opening to grip a sill surface of the opening to retain the first flange unit and sash elements in position, and a fastener (33) that draws the first and second flanges and sash elements together against the pane.

Claim 3: the fastener is threaded and the second flange unit has a hole (proximate 29) for receiving the threaded fastener and the retention member has a socket (proximate 34) for receiving an end of the threaded fastener after it has passed through a hole.

Claim 4: the socket is attached to the retention member by a spring element (32) that would allow movement of the socket to the second flange unit against a spring bias force.

Claim 5: the spring element (32) is a cantilevered tab, extending across an axis of the threaded fastener that would flex with increased engagement of the threaded fastener.

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Claims 6 and 12: LaSee discloses a non-threaded portion of the fastener (the head of the fastener) that would inherently limit engagement of the threaded fastener with the socket.

Claim 11: LaSee discloses a vision panel having a first and second flange units (25) sized to frame the opening and abut front and rear faces of the door, sash elements (26) adapted to extend into the opening from each of the first and second flanges to hold a transparent pane (19) therebetween within the opening, a spring member (32) attached to the first flange and extending into the opening to support a threaded socket (proximate 34) spring biased toward the first flange unit along a direction through the opening and a threaded fastener (33) adapted to engage the second flange unit and the socket to draw the flange units and sash elements together against the pane.

Claim 13: the limited depth of engagement provides a predetermined compressive force of the sash elements against the pane.

Claim 14: the threaded socket is attached to a cantilevered tab (32) of a member attached to the first flange unit and extending into the opening, wherein the tab extends across an axis following a length of the threaded fastener that would flex with increased engagement of the threaded fastener.

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Claim 17: the vision panel includes four retention members (there would be at least one per side; see Fig. 2, generally) attached to the first flange unit and extending into the opening to support four threaded sockets.

Claim 18: a second frame (as best interpreted by the Examiner) has four holes (see Fig. 3), the holes (proximate 28) for receiving threaded fasteners (33) to engage the four threaded sockets (proximate 34).

Claim 19: the sash elements include inwardly biased sharp edges (proximate 27) that would embed in the panel member when the panel becomes semi-molten.

Claim 20: the upper surface of the retention member (32) indirectly supports the bottom of the transparent pane.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere* Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Stark in view of Petta (U.S. Patent No. 5,987,826).

Claim 2: Stark discloses the claimed invention including a fastening member (Fig. 6: 66) to attach the retention member to the sill, however Stark does not disclose a nail (which would result in a hole in the retention member) as a fastening means. Petta discloses a retaining member (Fig. 7: 92) with a nail (94) holding it in place. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a nail in combination with the fastening member in Stark (which would result in a hole in the retention member) because a nail is functionally equivalent to the fastening member in Stark and would perform equally as well.

**Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaSee in view of DeBlock (U.S. Publication 2003/0066256).

Claim 15: LaSee discloses the claimed invention including the threaded fastener has a non-threaded portion (the head is a non-threaded portion), and that the socket is limited by a bending of the tab (the tab would bend if the fastener were turned enough), but it does not disclose the drawing of the threaded socket over the non-threaded portion of the fastener. DeBlock discloses a window system where the flanges are joined with a fastener (41) that has a portion of the shaft that does not have threads. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use this type of fastener in combination with the window system in LaSee because the fastener in DeBlock would perform equally as well with the fastener in LaSee while limiting the ability of drawing the second portion too tight which could damage the assembly (having a non-threaded portion would limit the ability of tightening the flanges because once the socket portion reaches the non-threaded portion, it could not be tightened further.)

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Claim 16: the limited depth of engagement would provide a predetermined compressive force of the sash element against the pane.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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